

In The United States District Court
For The Northern District of Illinois
Eastern Division

In Re: TRANS UNION CORP
PRIVACY LITIGATION

This Document Relates To:
All Cases

Lead Case No. 00 cv 4729
MDL Docket No. 1350
Judge Robert Gettleman

Louisiana Settlement Class Counsel's CORRECTED Motion
to Stay or Enjoin Distribution of Disputed Amount
of Settlement Fund Pending Appeal

1. Louisiana Settlement Class Counsel, Dawn A Wheelahan, has noticed an appeal of this court's order of May 20, 2011, Doc. 906, denying Wheelahan's motion for interest on attorney's fees. The appeal has been assigned number **11-2183** by the Seventh Circuit Court of Appeals.
2. Federal Rule of Appellate Procedure 8 provides that parties must ordinarily move first in the district court for a stay, or injunction, pending an appeal.
3. Wheelahan therefore moves to stay or enjoin distribution from the settlement fund of the amount of interest on attorney's fees claimed by Wheelahan, which is \$600,000.
4. Movant, Wheelahan, respectfully suggests that the district court's order of May 20, 2011, mistakes the common-fund principles that are the basis for the plaintiff class's obligation to pay fees to class counsel from the fund recovered for them, as explained more fully in Wheelahan's memorandum in support of this motion.
5. Wheelahan further suggests that the Seventh Circuit may find that there is nothing specious about her argument that the parties' adopted in their settlement the obligations of state law; and may find nothing unusual about applying the state law regime adopted by the parties, which was the norm before passage of a uniform federal statute prescribing interest on judgments.

In light of the above, movant respectfully suggests that a stay and injunction against distribution of the portion of the settlement fund subject to Wheelahan's

appeal is necessary and appropriate.

Respectfully submitted,

/s/ Dawn Adams Wheelahan

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Certificate of Service

Undersigned counsel hereby certifies that a copy of the foregoing has been served on all parties through their counsel by the court's ECF system, or by email, on May 27, 2011.

/s/ Dawn Adams Wheelahan